

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 20-CV-954-WO-JLW**

FARHAD AZIMA,)
)
Plaintiff,)
)
v.)
)
NICHOLAS DEL ROSSO and VITAL)
MANAGEMENT SERVICES, INC.,)
)
Defendants.)

**DEFENDANTS' MOTION TO DISMISS
PURSUANT TO RULE 12(b)(1)**

Pursuant to Fed. R. Civ. P. 12(b)(1), Defendants' Memorandum of Law in Support of Their Motion to Dismiss Pursuant to Rule 12(b)(1), and the Declaration of Brandon S. Neuman in Support of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1) and exhibit attached thereto, Defendants Nicholas Del Rosso and Vital Management Services, Inc. (collectively, "Defendants"), by and through undersigned counsel, hereby respectfully move the Court for an Order dismissing, with prejudice, all remaining claims asserted against them in Plaintiff's Complaint (Dkt. 1). Dismissal is appropriate because the Court lacks subject matter jurisdiction over this action. All federal causes of action have been dismissed, and the remaining state law claims

concerning conduct in 2018 and 2019 fail on their face to satisfy the amount-in-controversy requirement of 28 U.S.C. 1332(a). Plaintiff also independently lacks Article III standing to pursue the remaining claims because - by his own admission - he does not own the purported trade secrets at issue and therefore has not suffered an injury sufficient to convey standing.

WHEREFORE, as further explained in the supporting Memorandum of Law filed contemporaneously herewith and incorporated herein by reference, Defendants respectfully request that the Court enter an Order:

1. Dismissing with prejudice the remainder of Plaintiff's Complaint as to Counts VIII and X pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure; and
2. Granting Defendants such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of December, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2021, I electronically filed the foregoing **Defendants' Motion to Dismiss Pursuant to Rule 12(b)(1)** with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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